

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, June 9, 2015, at Westfield City Hall. Members present included Martin Raines, Ron Rothrock, Bill Sanders and Dave Schmitz. Also present were Jesse Pohlman, Senior Planner; Amanda Rubadue, Associate Planner; and Paul Reis, City Attorney.

APPROVAL OF MINUTES

Rothrock moved to approve the May 12, 2015, minutes.

Sanders seconded, and the motion passed by 4-0 vote.

Pohlman reviewed the Public Hearing Rules and Procedures.

ITEMS OF BUSINESS

1503-VU-02
(CONTINUED)

17777 Commerce Drive

Edward Tomich by Badger Engineering, LLC

The petitioner is requesting a modification of a condition of approval for a previously granted Variance of Use to allow an indoor shooting range and related retail sales in the EI: Enclosed Industrial District (1304-VU-01) (Chapter 13: Use Table).

Pohlman presented an overview of the requested condition modification related to the sound level for the previously approved Variance of Use and noted that since the public hearing, the petitioner has made improvements to the structure and coordinated a sound test on the property on May 29, 2015, with the adjacent property owner and their representatives. Pohlman stated the petitioner intends to present an update to the Board with regard to the progress that has been made and then request a continuance.

Andi Metzel, Benesch, Friedlander, Coplan & Aronoff LLP, on behalf of the petitioner, gave a brief presentation regarding the improvements to the structure that have been made as well as presented a preliminary design of additional improvements that the petitioner intends to make. Metzel requested a continuance to allow the petitioner to file a variance of development standard request for a reduction in the side yard setback along the north property line to accommodate the proposed additional improvements.

Schmitz motioned to continuance the petition to the next meeting.

Rothrock seconded, and the motion passed 4-0.

1506-VU-06

(PUBLIC HEARING)

14939 Ditch Road

Jeff Kelich

The petitioner is requesting approval of a Variance of Use to allow a lawn and landscape business in the SF2: Single-Family Low Density District (Chapter 13: Use Table).

Ron Rothrock noted a conflict with this petition and excused himself from the meeting.

Pohlman presented that public notice for this petition, as noted in the staff report, was not done in accordance with the Board's Rules of Procedure because the certified mailed notices were not postmarked and the sign was not posted on the property until six (6) days prior to the hearing, rather than the ten (10) days as required by the Board's Rules of Procedure. Pohlman commented that in order for the Board to consider the petition, the Board will need to unanimously waive its rules; otherwise, if the Board denies the request to waive the Rules of Procedures, then this petition will be automatically continued until the Board's next meeting.

Jeff Kelich, petitioner, presented his request to the Board to waive the Rules of Procedure and noted the reason he would like to move forward at this meeting is because of contractual limitations in acquiring the property.

The Board discussed the request and concerns regarding the short period for public notice.

Schmitz motioned to deny the request to waive the Board's Rules of Procedure.

Sanders seconded and the motion to deny the request passed 3-0.

The petition was automatically continued to the next Board meeting.

REPORTS/COMMENTS

Plan Commission Liaison.

Economic and Community Development Department.

Sanders motioned to adjourn the meeting.

Schmitz seconded, and the motion passed.

The meeting adjourned at 7:25 p.m.

Chairperson
Martin Raines

Secretary
Matthew S. Skelton, Esq., ACIP
Director